

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Patricia A. Jackson,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.:4:03-3459
)	
Honda of South Carolina Mfg., Inc.,)	
)	
Defendant.)	
_____)	

ORDER

The plaintiff, Patricia A. Jackson (“Jackson”), filed the instant action as a *pro se* litigant on October 31, 2003. Jackson subsequently retained counsel and filed an amended complaint on March 29, 2004 asserting causes of action for racial harassment, retaliatory harassment, wrongful termination, and breach of contract. Defendant Honda of South Carolina Mfg., Inc., (“Honda”) consented to Jackson amending her complaint. Honda answered the complaint on April 22, 2004. Honda later amended its answer and asserted counterclaims against Jackson for breach of the duty of loyalty and misappropriation of trade secrets. On August 2, 2006, United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned, held a hearing on Honda’s summary judgment motion against all of Jackson’s claims (Doc. #69) and the parties’ cross summary judgment motions regarding Honda’s counterclaims (Docs. #58, #69).

Following the hearing, the magistrate judge issued a Report and Recommendation (the “Report”). (Doc. #116). In the Report, the magistrate judge recommends that the cross motions for summary judgment be denied. The magistrate judge further recommends that Honda’s motion for

summary judgment against Jackson's claims for racial harassment and retaliatory harassment be denied and be granted against Jackson's claims for wrongful discharge and breach of contract. Honda timely filed objections to the Report. (Doc. #121). Jackson also timely filed objections to the Report; however, these objections relate to another case pending before another District Judge.¹ (Doc. #122).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court accepts the Report. (Doc. #116). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that Jackson's motion for summary judgment as to Honda's counterclaims for breach of the duty of loyalty and misappropriation of trade secrets is **DENIED** (Doc. #58). It is further **ORDERED** that Honda's motion for summary judgment is denied in part and granted in part (Doc. #69). Specifically, it is **ORDERED** that Honda's motion for summary judgment in favor of its counterclaims for breach of the duty of loyalty and

¹Specifically, Jackson's objections apply to Stokes v. Charleston County School District, C/A No. 2:05-2970-DCN.

misappropriation of trade secrets is **DENIED**, Honda's motion for summary judgment as to Jackson's claims for racial harassment and retaliatory harassment is **DENIED**, and Honda's motion for summary judgment as to Jackson's claims for wrongful termination and breach of contract is **GRANTED**.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

September 25, 2006
Florence, South Carolina